

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF ALASKA ENERGY AUTHORITY

The Alaska Energy Authority proposes to adopt regulation changes in Title 3, Chapters 106, 107, and 108 of the Alaska Administrative Code, relating to loan and grant programs of the authority and to financial and technical assistance from the authority for energy systems, facilities, and equipment, including the following:

- (1) The regulations for loans from the power project fund are proposed to be changed as follows:

3 AAC 106.120(a)(2)(A)(vi), which authorizes loans from the fund for projects for groundwater source development and transmission of potable water, is repealed to be consistent with recent amendments to AS 42.45.010(b)(1).
- (2) The regulations for loans from the bulk fuel revolving loan fund are proposed to be changed as follows:

3 AAC 106.300(3) (application process) and 3 AAC 106.310(4) (eligibility) are amended to be consistent with recent amendments to AS 42.45.250(a) and (e)(1).
- (3) The definitions for purposes of the loan programs of the authority are proposed to be changed as follows:

3 AAC 106.900 (definitions) is amended to add definitions of “electric utility” and “independent power producer.”
- (4) New regulations are proposed in 3 AAC 107 relating to grants from the authority to address grants from the renewable energy grant fund under AS 42.45.045 as follows:

3 AAC 107 is proposed to be amended by adding a new article including regulations addressing the purpose of the renewable energy fund grant program; public purpose requirements of renewable energy grants; eligible applicants; eligible projects; public notice of application period and solicitation of grant applications; grant applications; disclosure of applications and other materials submitted to the authority, and confidentiality; acceptance of grant applications for consideration; eligibility review of grant applications; feasibility and public benefit review of grant applications; requests for reconsideration; evaluation of grant applications; ranking of applications; additional information from applicant; grant agreement; grant closeout and return of unexpended and improperly spent grant funds; project operations and maintenance reporting; dispute resolution; and definitions.
- (5) The general provisions of 3 AAC 108 relating to relating to financial and technical assistance for energy systems, facilities, and equipment are proposed to be changed as follows:

3 AAC 108.910 (protests) is amended to remove subsections pertaining to claims and appeals and address these topics in separate new sections 108.915 (claims) and 108.920 (appeals). The major substantive change is to remove provisions for protests or claims resulting from "other agency action," so that the protest, claims and appeals section will encompass only protests arising from procurements and claims under contracts and grant agreements.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Butch White, AEA Grants Administrator, at 813 West Northern Lights Blvd., Anchorage AK 99503 or send by email to bwhite@aidea.org. The comments must be received no later than 5 p.m. on August 4, 2009.

Oral or written comments also may be submitted at a hearing to be held on July 15, 2009, in the Board Room of the Alaska Energy Authority and Alaska Industrial Development and Export Authority, 813 West Northern Lights Blvd, Anchorage. The hearing will be held from 2 p.m. to 5 p.m. Alaska Daylight Time and might be extended to accommodate those present before 5 p.m. who did not have an opportunity to comment. Those wishing to participate in the hearing by teleconference or telephone may do so by calling the toll-free number 1-800-315-6338 / Code 3052#.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Butch White at 907-771-3052 no later than July 10, 2009 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Butch White at 907-771-3052 or by email at bwhite@aidea.org or go to www.akenergyauthority.org/RE_Fund.

After the public comment period ends, the Alaska Energy Authority will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 42.45.010, AS 42.45.045; AS 42.45.250; AS 44.83.080

Statutes Being Implemented, Interpreted, or Made Specific: AS 42.45.010; AS 42.45.045; AS 42.45.250; AS 44.83.080

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7-1-09


Steve Haagenson
Executive Director